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## OFFICE OF THE CITY CLERK

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# REPORT

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**To The Honorable Mayor and City Council**

DATE: June 5, 1996

REPORT NO.: 96-01

SUBJECT: ETHICS AND ENFORCEMENT ISSUES UPDATE

**THIS IS AN INFORMATION REPORT ONLY. NO ACTION IS REQUIRED.**

To keep you advised of business in the City Clerk's Office, particularly that regarding ethics and enforcement issues, I have reported to you periodically about my staff's work. Now I am providing this update of the activities of our Elections team thus far in 1996.

### **The Elections Team**

Presently two staffmembers are assigned full-time to the Elections section of the Clerk's Office: one (1.0) analyst and one (1.0) word processing operator. Additionally a deputy director divides her time between Elections and Legislative Services.

As expected, the scope of the team's activities has extended far beyond their administration of March's City-wide primary election. As you are aware, one of the Clerk's many roles is as filing officer for campaign disclosure reports, statements of economic interests and municipal advocacy reports, pursuant to the state Political Reform Act and the San Diego Municipal Code. This role requires us to work closely with a variety of filers, notifying them of deadlines and working with them to ensure that forms are properly and timely completed.

Additionally, of course, we serve as a valuable resource for those seeking information on election processes and results, and on candidates and officeholders. We take very seriously our role in providing education and technical assistance to our customers, an attitude particularly reflected this year in our undertaking of various outreach efforts.

### Customer-Generated Contacts

From January 1 through May 31, 1996, the Elections team fielded 1,278 telephone calls and in-person contacts with members of the public and City staff on elections-related matters. The contacts, all generated by the customers, break down as follows (see also Charts 1 and 2):

Campaign Disclosure	-	177
Statements of Economic Interests/ Conflict of Interest Codes	-	531
Election Information (primarily 3/26/96)	-	276
Municipal Advocacy	-	30
Voter Information	-	80
Other	-	184

### Correspondence

Dissemination of information, particularly regarding filing deadlines and deficiencies, is an important aspect of the Elections team's responsibilities. From January 1 through May 31, 1996, over 900 pieces of correspondence have originated from Elections, with the breakdown as follows (see also Charts 3 and 4):

Campaign Disclosure	-	221
Statements of Economic Interests/ Conflict of Interest Codes	-	410
Municipal Advocacy	-	87
Other	-	196

### Statements of Economic Interests/Conflict of Interest Codes

Based on the data, the bulk of work for January 1 through May 31, 1996, appears to have been related to statements of economic interests (SEI's). There are two (2) reasons for this: (a) annual statements for 1995 were due April 1; and (b) we have begun the state-mandated biennial review process for conflict of interest codes.

Additionally, we have begun an education effort to inform the City's designated employees of the state's gift limit and honoraria ban, which we have included with our SEI/Code activities. Part of that education effort included a presentation to some 160 people at a recent quarterly management meeting.

During the period, 1,165 annual SEI's were filed. We also received 114 initial, assuming-office and leaving-office statements as employees and boardmembers began or terminated their designated positions with the City. (See also Chart 5.)

Each SEI filed with this office receives a prima facie review for compliance with state laws and regulations. Thus far this year, 919 SEI's have received such review. As state law requires a full review of 20% of the annual SEI's filed, and 100% of the late SEI's filed, we have also fully reviewed another 360 SEI's. (See also Chart 6.)

As of May 31, 1996, 12 annual SEI's were unfiled (two have been filed since that time). Non-filers have been given a drop-dead filing deadline, after which time we will refer them to

the appropriate authority. An additional 83 SEI's were filed late, and required review for potential assessment of late-filing fines. Of these, using guidelines developed by the Fair Political Practices Commission, we waived 67 fines and assessed four (4), in amounts ranging from \$40 to \$100 (the maximum). Twelve (12) potential fines are pending our receipt of the late filers' explanations of their tardiness. (See also Charts 7 and 8.)

With the annual filing period behind us, contacts regarding SEI's will fall dramatically; however, contacts regarding conflict of interest codes will continue as we proceed with the biennial review.

### **Campaign Disclosure Statements**

As of May 31, 1996, our campaign filing log showed 54 campaign and independent expenditure committees that were both (a) not terminated, and (b) recently active, requiring filing in CY 96.

A variety of campaign statements were filed between January 1 and May 31, 1996, as candidates and committees involved in the March primary filed pre-election reports; and officeholders, past candidates and committees filed semi-annual statements for July-December 1995.

As always, 100% of the statements filed were reviewed for deficiencies. Various filers were contacted to make amendments to 21 of the 136 statements filed.

Three late-filing fines were assessed, in amounts ranging from \$20 to \$280.

A summary of the Elections team's activities related to campaign disclosure is provided in Chart 9.

### **Municipal Advocates**

Registered municipal advocates are contacted quarterly regarding filing deadlines imposed by the San Diego Municipal Code. As of May 31, 1996, this calendar year 81 advocacy reports have been filed with this office, covering the 4th quarter of CY 95 and the 1st quarter of CY 96.

A summary of the Elections team's activities related to municipal advocacy is provided in Chart 10.

### **Related Special Projects**

Beyond the scope of its day-to-day responsibilities, including the March primary, the Elections team has undertaken various special projects, including the following:

- Hosting a Fair Political Practices Commission workshop for campaign treasurers (January, 1996)
- Presentation on San Diego's election process to Marine Corps Command and Staff College (February, 1996)

- Presentation on gift limit/honoraria ban for designated employees to Quarterly Management Meeting (April, 1996)
- Presentation on San Diego's election process to USAF InterDefense College (April, 1996)
- Workshops (2) on biennial conflict of interest code update for liaisons from City departments/agencies/boards (May, 1996)
- Article in *Pass Down the Line* regarding gift limit/honoraria ban for designated employees (May, 1996)
- Article in *Pass Down the Line* regarding Administrative Regulation 95.60, "Conflict of Interest and Employee Conduct", and Council Policy 000-4, "Code of Ethics" (June, 1996)
- Update of San Diego Municipal Lobbying Ordinance (ongoing - we anticipate bringing an amended ordinance to the City Council for consideration before the end of this year)

### Conclusion

Because of your ongoing concern about ethics and enforcement in San Diego, I thought you would be interested in the Clerk's activities in this area. The Elections team has a major role in ensuring the timely and appropriate filing of campaign disclosure statements, statements of economic interests, and municipal advocacy reports. We also take an active role in providing information and technical assistance to those who seek our services.

Should you have any questions, please do not hesitate to call.

Sincerely,



Charles G. Abdelnour  
City Clerk

### Attachments

cc: City Attorney  
City Manager

ELECTIONS SECTION TELEPHONE AND IN-PERSON CONTACT  
TOTALS - JANUARY 1 THROUGH MAY 31, 1996

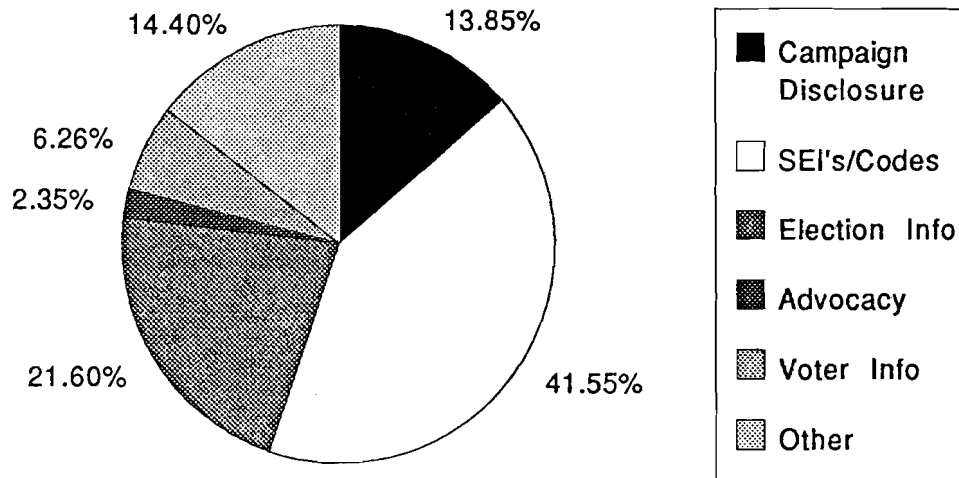


CHART 1

ELECTIONS SECTION TELEPHONE AND IN-PERSON CONTACT  
TOTALS - JANUARY 1 THROUGH MAY 31, 1996

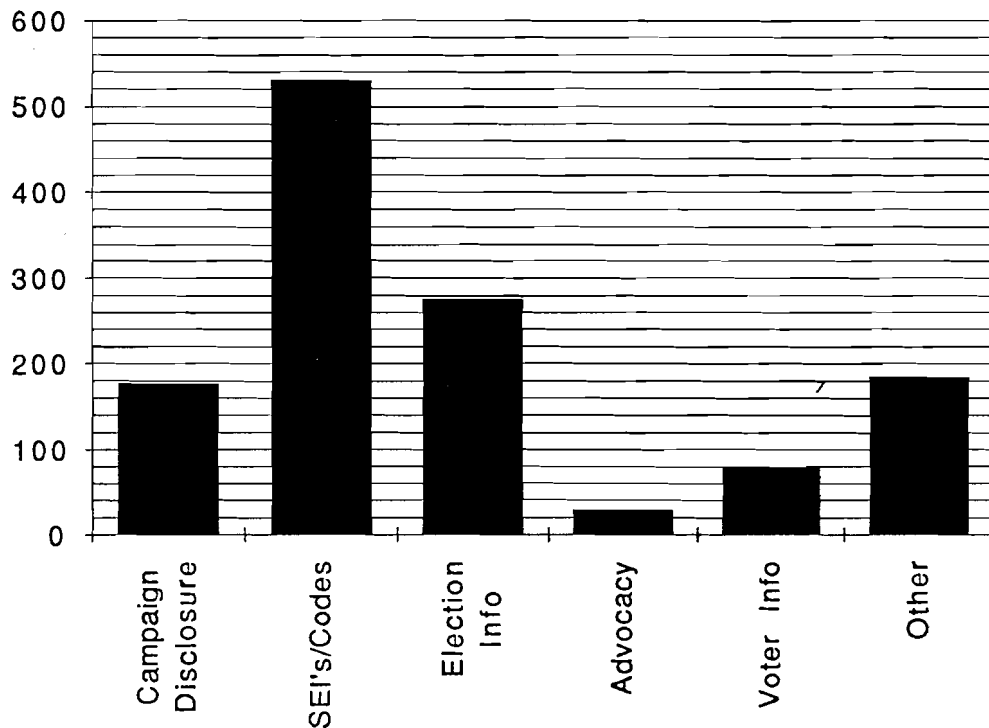


CHART 2

1996 ELECTIONS SECTION MAILINGS -  
JANUARY 1 THROUGH MAY 31, 1996

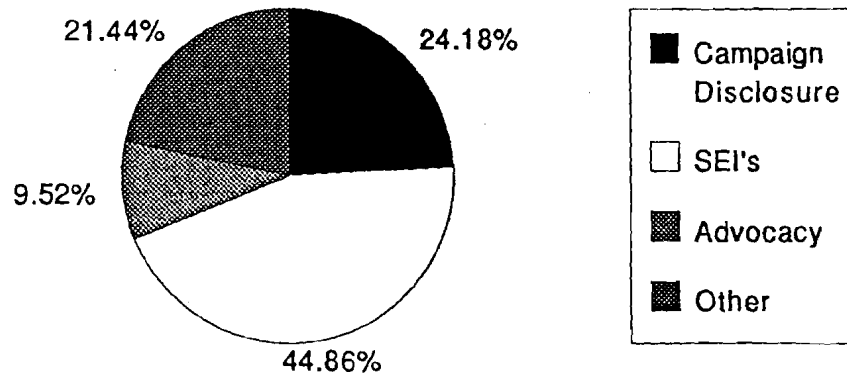


CHART 3

1996 ELECTIONS SECTION MAILINGS -  
JANUARY 1 THROUGH MAY 31, 1996

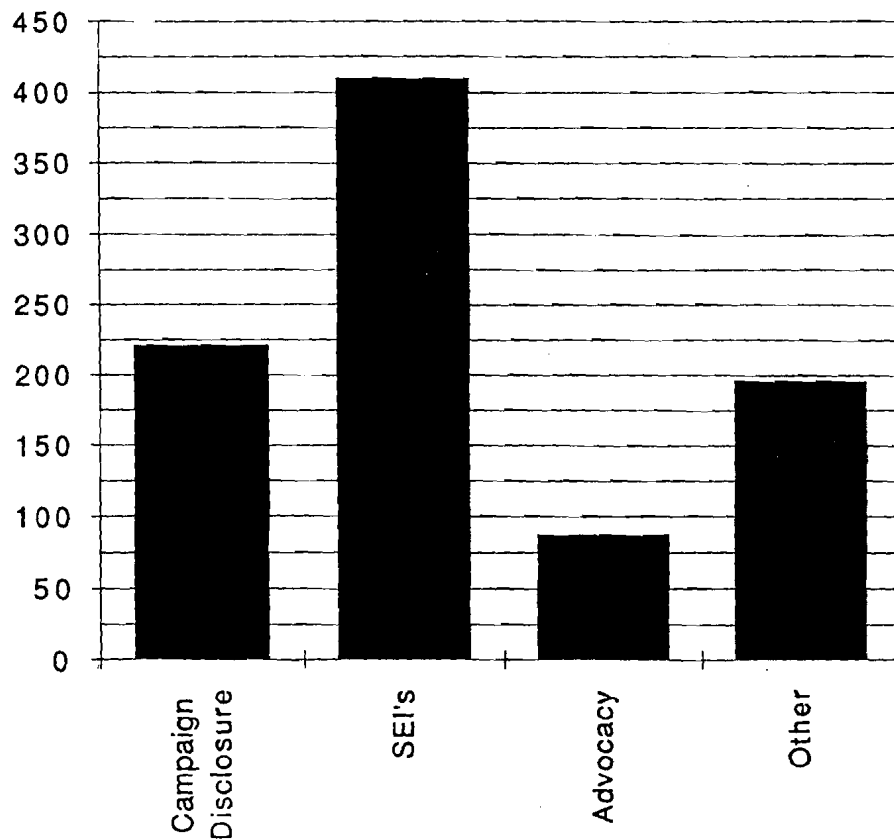


CHART 4

**STATEMENTS OF ECONOMIC INTERESTS FILED  
JANUARY 1 THROUGH MAY 31, 1996**

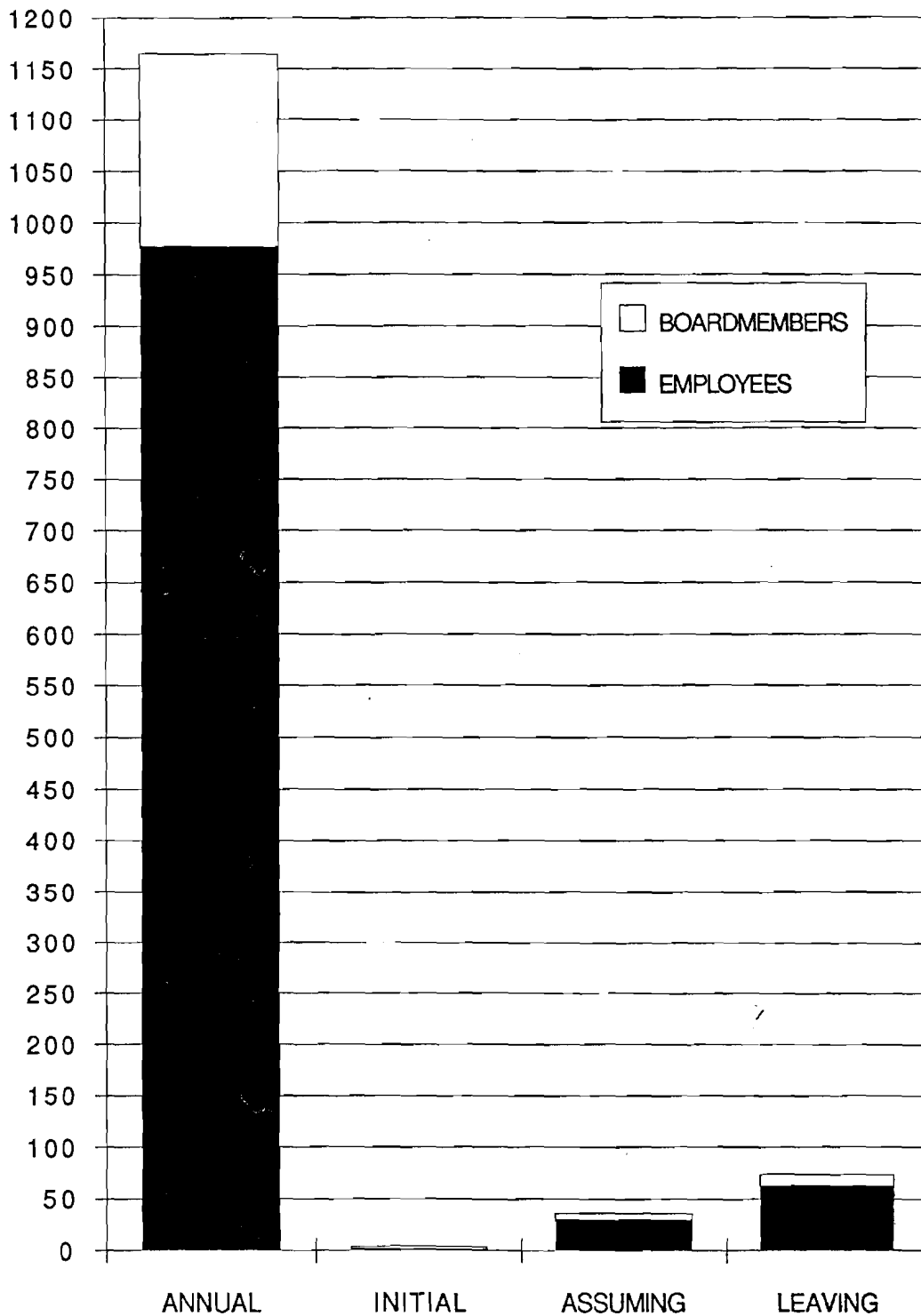


CHART 5

STATEMENTS OF ECONOMIC INTERESTS REVIEWED  
JANUARY 1 THROUGH MAY 31, 1996 (T = 1,279)

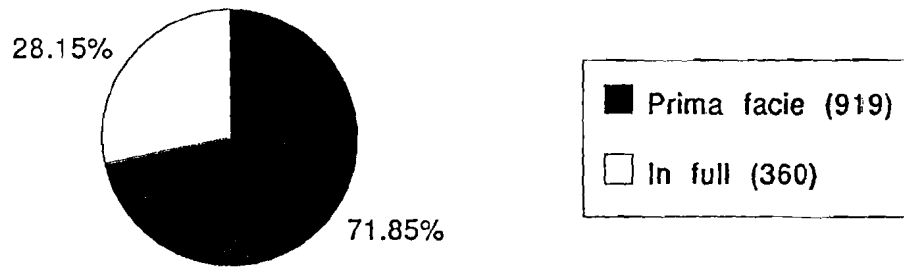


CHART 6

LATE AND UNFILED STATEMENTS OF ECONOMIC  
INTERESTS - JANUARY 1 THROUGH MAY 31, 1996

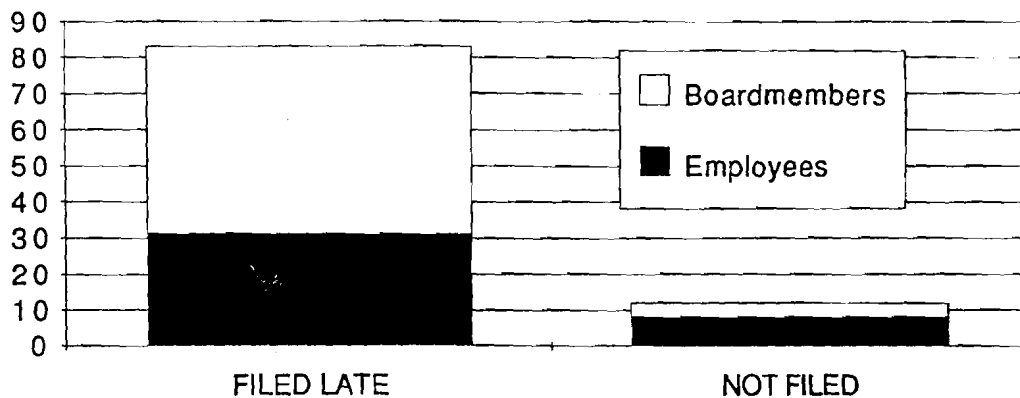


CHART 7

FINE ASSESSMENTS AND WAIVERS FOR LATE SEI  
FILING - JANUARY 1 THROUGH MAY 31, 1996

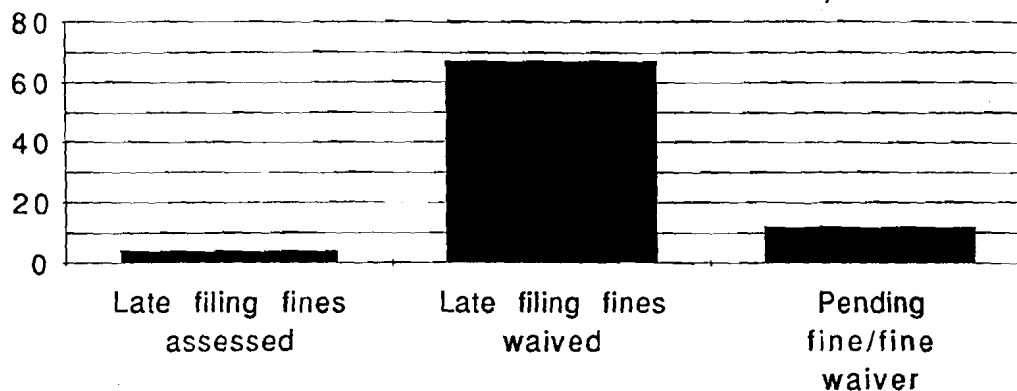


CHART 8



**CAMPAIGN DISCLOSURE ACTIVITY FROM  
JANUARY 1 THROUGH MAY 31, 1996**

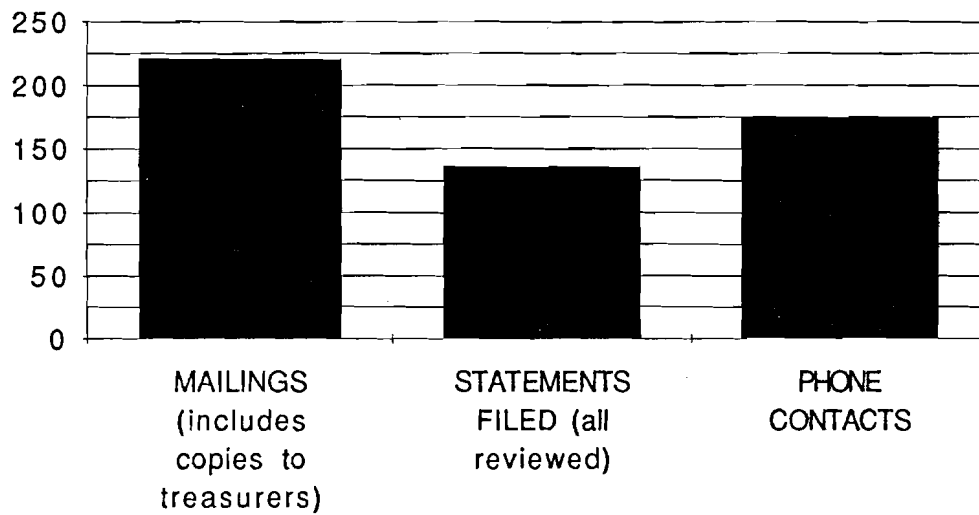


CHART 9

**MUNICIPAL ADVOCACY ACTIVITY FROM JANUARY  
1 THROUGH MAY 31, 1996**

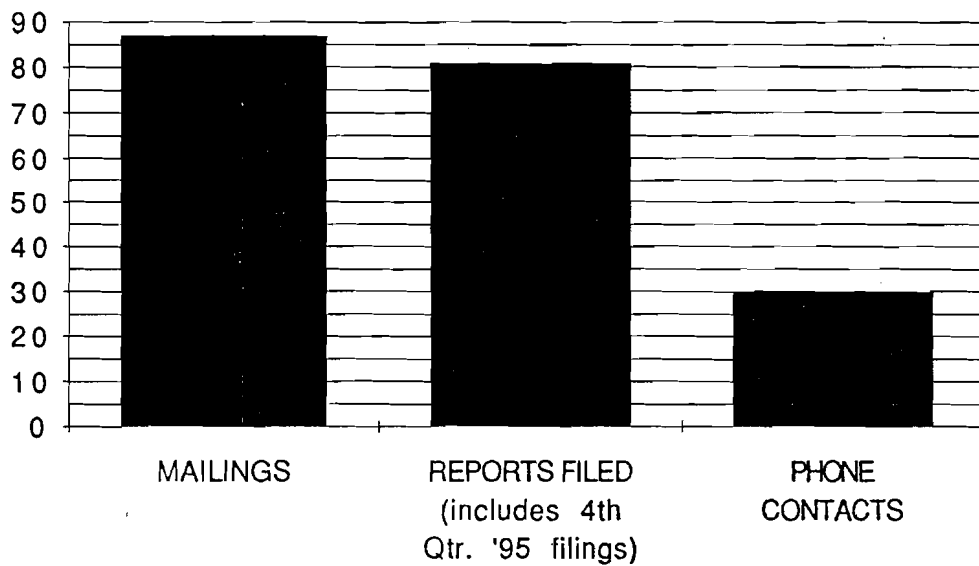


CHART 10